

From: [Werner, Robert](#)
To: [Moran, Gloria-Small](#)
Cc: [Mueller, Brian](#)
Subject: FW: Falcon Refinery (06MC) -- Comments Concerning the Attached Access Agreement
Date: Friday, May 31, 2013 3:21:00 PM
Attachments: [Property - 2013-05-31, San Patricio County grantor and grantee index hits for Lazarus Texas Refinery I LLC -- \(SDMS#684646\).pdf](#)
[Property - 2012-02-29 Deed, NORCO sells to Lazarus Texas Refinery I, LLC the 87.258 acre Refinery Land + the 14.24 acre barge dock \(part of the Site\) -- \(SDMS#664144\).pdf](#)
[Property - 2012-02-29 Deed, Norcorom Industries SRL sells to Lazarus Texas Refinery I, LLC the 14.24 acre barge dock \(part of the Site\) -- \(SDMS#664139\).pdf](#)

Gloria,

As of today, LTRI is the Site's current owner of record for 100% of the Site, i.e., 87.258 acres of land, described as "Refinery Land" and the 14.24 acres of land described as the "Barge Dock." Earlier this morning I'd checked with the San Patricio County Recorder to verify if LTRI might have recently sold the Site or any part of the Site to a third party. Information on the Grantor/Grantee index from San Patricio County Recorder confirms that as 05/13/2013 LTRI was the current owner of record for 100% of the Site (Index is attached). A few minutes ago I telephonically confirmed with Lina in the San Patricio County clerk's office that there are no entries in the San Patricio County grantor/grantee index for Lazarus Texas Refinery I, LLC between 05/13/2013 and today.

Concerning the Site's address; Because the Site is comprised of four separate parcels/tracts of land I recommend Brian does not identify the Site with a single street address. The description in paragraph 4 of my below email is the Site's description I'd included with the sample access agreement I'd emailed to Brian on 05/02/13. In place of a particular named address in the consent agreement, why not just state that the access agreement pertains to all of the real property described on the two recorded deeds that identify LTRI's purchases of the Site (deed copies attached)?

Bob
5.6724

From: Moran, Gloria-Small
Sent: Friday, May 31, 2013 1:22 PM
To: Werner, Robert
Cc: Mueller, Brian
Subject: RE: Falcon Refinery (06MC) -- Comments Concerning the Attached Access Agreement

ATTORNEY-CLIENT PRIVILEGED / FOIA EXEMPT

Hi:

(b) (5)



(b) (5)



Gloria Moran

Assistant Regional Counsel (6RC-S)
Superfund Branch
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202
Phone: 214-665-3193
Fax: 214-665-6460
moran.gloria-small@epa.gov

From: Werner, Robert
Sent: Friday, May 31, 2013 9:03 AM
To: Moran, Gloria-Small
Cc: Mueller, Brian
Subject: Falcon Refinery (06MC) -- Commnets Concerning the Attached Access Agreement

Gloria,

My comments/recommendations concerning the attached access agreement:

1. Sentences in the second paragraph:

Now: Once the wells have fulfilled their purpose, they will be properly closed.

Change to: Once **EPA determines** the wells have fulfilled their purpose, **EPA** will insure they will be properly closed.

Now: Once equipment has fulfilled its purpose, it will be removed.

Change to: Once **EPA determines** equipment has fulfilled its purpose, **EPA** will insure it will be removed.

2. Agreement must identify that “Lazarus Texas Refinery I, LLC” is “**owner of record**” for the property.
3. First sentence in the last paragraph:

Now: I am the property owner or an individual having the authority or the authorization of the property owner to make this access agreement.

Change to: I am an individual having the authority and/or the authorization of the **property’s owner of record** to make this access agreement.

4. In place of a particular address for the property, recommend the following narrative be used:

All of the land area upon which the Falcon Refinery Superfund Site (Site) is located. The Site is located southeast of the city limits of the City of Ingleside, in San Patricio County, Texas. The Site's land area approximates 101.5 acres and is comprised of four separate parcels of land; a 9.145 acre parcel, a 50.113 acre parcel, a 28 acre parcel, and a 14.24 acre parcel. The 9.145 acre parcel is situated on the northwest side where Farm-to-Market Road 2725 and Bishop Road/County Road 4717 intersect. The 50.113 acre parcel is situated on the southeast corner where Farm-to-Market Road 2725 and Bishop Road/County Road 4717 intersect. The 28 acre parcel is adjacent to the southeast side of the 50.113 acre parcel and both parcels are adjacent to the southwest side of County Road 4717. The 14.24 acre parcel is bounded on its southeast side by Redfish Bay and contains land areas on both sides of County Road 4692.

Site property being the same 87.258 acres of land, described as (the “Refinery Land”) and the 14.24 acres of land described as the (the “Barge Dock”) in the Special Warranty Deed with Vendor’s Lien that is recorded in San Patricio County Recorder’s Office in Sinton, TX in Land Records in Instrument number 615663 **and also** being the same 14.24 acres of land described as (the “Barge Dock”) in the Special Warranty Deed and Bill of Sale that is recorded in San Patricio County Recorder’s Office in Sinton, TX in Land Records in Instrument number 615662.

From: Mueller, Brian
Sent: Friday, May 31, 2013 6:44 AM
To: Werner, Robert; Moran, Gloria-Small
Subject: FW: Falcon RI/FS Access Agreement

Bob and Gloria

Please let me know if you are ok with me sending this to the new property owner at Falcon.

Thanks

Brian W Mueller RPM
EPA R6 Superfund
214 665-7167

From: Owens, Robert [<mailto:rowens@eaest.com>]
Sent: Thursday, May 30, 2013 8:28 AM
To: Mueller, Brian
Subject: Falcon RI/FS Access Agreement

Brian:

We have revised the onsite access agreement for the Falcon Refinery RI/FS project based on the feedback that you received from the property owner. Attached is the revised agreement for your consideration. Please let me know if you need us to make any additional changes.

Thank you,
Bob Owens
EA Engineering, Science, and Technology, Inc.
405 S. Highway 121, Building C, Suite 100
Lewisville, TX 75067
972-315-3922 ext 1210
Direct: 972-538-2701
Mobile: 972-989-7956
Fax: 972-315-5181